

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TERRANCE LEWIS v. CITY OF PHILADELPHIA, et al.	CIVIL ACTION NO. 19-2847
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ORDER RE: DEFENDANTS' PARTIAL MOTION TO DISMISS

AND NOW, this 6th day of April, 2020, upon consideration of Defendants' Partial Motion to Dismiss, (ECF 6), Plaintiff's response in opposition, (ECF 9), and Defendants' reply in support, (ECF 10), and for the reasons stated in the foregoing memorandum, it is hereby **ORDERED** that Count I is dismissed to the extent it relies on the Fourteenth Amendment; Count II is dismissed to the extent it relies on theories of withholding of evidence and deliberately conducting an investigation that disregarded constitutional rights; and Count V is dismissed to the extent it relies on alleged violations of rights that were not clearly established.

The dismissal is without prejudice in the event there is a change in the governing law about qualified immunity or other issues.

BY THE COURT:

s/ Michael M. Baylson

MICHAEL M. BAYLSON
United States District Court Judge